



Appeal Decision

Site visit made on 17 January 2023

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2023

Appeal Ref: APP/K0235/W/21/3287196

**Broadmead Rd SW, Broadmead Road, Stewartby, Bedford, Bedfordshire
MK43 9NX (501988, 242548)**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Bedford Borough Council.
 - The application Ref 21/02271/TELPN, dated 17 August 2021, was refused by notice dated 8 October 2021.
 - The development proposed is the installation of an 18 metre high monopole and 4 no. equipment cabinets and development works ancillary thereto.
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Decision

1. The appeal is allowed and prior approval is granted under Article 3(1) and the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended), for the installation of an 18 metre high monopole and 4 no. equipment cabinets and development works ancillary thereto at Broadmead Rd SW, Broadmead Road, Stewartby, Bedford, Bedfordshire, MK43 9NX in accordance with the terms of the application, Ref 21/02271/TELPN, dated 17 August 2021 and the plans submitted with it, including: 100 Rev B, 150 Rev B, 215 Rev B, 265 Rev B and 002 Rev B.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. Part 16 was amended on 04 April 2022. Both main parties have been consulted in this regard and the amendments do not have a direct bearing upon the proposed development.

Planning Policy

4. The principle of development is established by the GPDO 2015. The provisions of Schedule 2, Part 16, Class A do not require regard to be given to the development plan. I have therefore only had regard to the policies of the development plan and the revised National Planning Policy Framework (2021)

insofar as they are a material consideration relevant to matters of siting and appearance. In particular, I have had regard to Bedford Borough Local Plan (2030) Policies 29, 30 and 96, which collectively seek to ensure that development is in keeping with local character.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

6. The appeal site comprises an area of grass verge adjacent to Broadmead Road. The proposed location of the monopole and equipment cabinets would be between the existing hedgerow and the footway. The site is adjacent to an access serving existing industrial units. Indeed, the character of this side of Broadmead Road is typically industrial, with similar units also located nearby. There are mature trees on the opposite side of the road, which predominantly screen the appeal site from the adjacent former Stewartby Brickworks site.
7. Whilst the proposed development would have a more prominent height than surrounding buildings and street furniture, its appearance would be synonymous with the industrial character of this part of Broadmead Road. The small footprint and mass of the development would mitigate the impact of the development such that views obtained by those travelling along the highway would predominantly be fleeting. As such, the proposed development would not result in any visual harm and would be in keeping with local character.
8. The Council has indicated that planning permission has been granted for a residential development on the site of the former brickworks. However, I have not been provided with the plans and I must consider this appeal on the basis of the evidence before me. Notwithstanding this approach, even taking into account the prospect of residential development on the former Brickworks site, there are existing mature trees which provide a high degree of visual screening. Whether or not the mast is visible from future development on this site, is not in itself the determinative factor. Indeed, it is not uncommon in my experience, for masts to be located within residential areas. Furthermore, this site is on the opposite side of the highway and I am satisfied that the distance to the former brickworks site would ensure there would not be any visual harm.
9. The appeal site is also located within approximately 40 metres of the Stewartby Conservation Area (CA). The CA derives its significance primarily from its historic function, providing accommodation for workers at the former Brickworks. Whilst visible from the CA, the appeal site does not contribute to its significance given its surrounding modern industrial context and this area's lack of historic or architectural relationship with the CA. As such, the proposal would not result in any harm to this heritage asset and it complies with the Framework in this regard.
10. The Council has indicated that a condition should be imposed to ensure that the proposed development is coloured green. However, I do not consider that such a condition is necessary given my earlier conclusions.

11. For these reasons, the siting and appearance of the proposal is acceptable and would not result in any harm to the character and appearance of the surrounding area.
12. I am satisfied that the appellant has sufficiently considered and ruled out alternative sites. Whilst the Council indicates that the appellant has not considered whether buildings could be utilised, no suggestions have been put forward and as such this consideration does not direct refusal of prior approval. Indeed, the prospect of utilising existing buildings is constrained in this instance by the very small search area which is set with regard to the operational requirements of the proposal.

Other Matters

13. The Highway Authority were consulted by the Council on the planning application and objected on the basis of a lack of information to confirm that there would not be an adverse impact on highway safety. However, the Council found that there was sufficient information and did not raise any concerns with regard to highway safety. I am satisfied that the proposal would not obstruct the visibility of highway users utilising the access for the adjacent industrial units. As such, taking into account the low 30mph speed limit the proposal would not result in any harm with regard to highway safety. The development is also located so that it would not obstruct pedestrians using the adjacent footway.

Conditions

14. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes, with the land restored to its previous condition.

Conclusion

15. For the reasons given above, the appeal is allowed and prior approval is granted.

Luke Simpson

INSPECTOR